



Atty Docket: 775-004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF	:	
Robert Denton et al.	:	
	:	
SERIAL NO.: 10/625,858	:	GROUP ART UNIT: not known
	:	
FILED: July 22, 2003	:	EXAMINER: not known
	:	
	:	
FOR: ENVIRONMENTALLY SAFE	:	
FUNGICIDES	:	

**PETITION FOR CORRECTION OF FILING DATE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
attn: Office of Patent Legal Administration

Dear Sir:

This petition is to request correction of an erroneous filing date. The above-referenced Utility application was given a filing date of July 23, 2003. However, as detailed in the Affidavit accompanying this Petition, the correct filing date should be July 22, 2003 thereby restoring copendency with the Provisional application 60/397,655 filed on July 22, 2002.

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Also, because the erroneous filing date was not the fault of our office, we request a refund of the Petition Fee.

See M.P.E.P. §506.02.

8-18-03

Date

CM Tanner

Christopher M. Tanner, Esq.  
PTO Reg# 41,518

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**Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date listed below.

8/18/03  
Date

Robin Dennis  
Robin Dennis



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AFFIDAVIT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

1. I make this affidavit from my own personal knowledge.
2. I am a legal secretary and legal administrator and have been working in that capacity for five years at Stockwell & Offices, PSC.
3. On July 22, 2003 before 6:00PM I deposited the above-referenced Utility application, transmittal, and other filing papers at the U.S. Post Office located in the Beaumont section of Lexington, Kentucky. I deposited these papers in the same way that I have done hundreds of other times, taking into account the posted information that the last pick-up is scheduled to occur at 6:00PM. This information is posted in plain view on the Express Mail drop box.

4. On August 6, 2003, we received notice that our filing date for the Utility application was determined to be July 23, 2003. We deliberately filed the Utility application on July 22, 2003, via Express Mail, so as to claim Priority to the Provisional application filed July 22, 2002.

5. Because the error was not detected until August 6, 2003 and the concurrent vacation of key individuals, we were unable to reply until today.

6. The undersigned further declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing therefrom.

8/18/03  
Date

Robin C. Dennis  
Robin C. Dennis